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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/817,438 10/02/97 NATHAN

G 871-36

LM02/0620

NIXON & VANDERHYE  
1100 NORTH GLEBE ROAD 8TH FLOOR  
ARLINGTON VA 22201

EXAMINER

BROWN, R

ART UNIT	PAPER NUMBER
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2711

DATE MAILED: 06/20/00

*16*

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.  
**08/817,438**

Applicant(s)  
**Nathan, et al**

Examiner  
**Reuben M. Brown**

Group Art Unit  
**2711**



☒ Responsive to communication(s) filed on Mar 28, 2000

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claims

☒ Claim(s) 11-22 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 11-22 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☒ Some\* ☐ None of the CERTIFIED copies of the priority documents have been  
☒ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: PCT/FR94/00185

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 11 & 14-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hickey, (U.S. Pat # 5,475,835), in view of Takahashi, (U.S. Pat # 5,966,495) & Hendricks, (U.S. Pat # 5,559,549).

Considering claim 11, the amended claimed system for distributing and selecting audio & video information on a CATV network including a plurality of channels, comprising an audiovisual reproduction unit storing a plurality of audio & video information, wherein the audiovisual reproduction unit communicates with a CATV network reads on Hickey, (Abstract; col. 8, lines 37-55. The disclosure of Hickey introduces an audiovisual computer which facilitates a user's selection of radio/TV programming and its storage on one or more of a variety of storage devices including VCR, CD, laser video disc, magnetic or optical storage means, (col. 1, lines 5-

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12; col. 2, lines 41-55; col. 4, lines 56-60). The system of Hickey necessarily provides a plurality of TV sets. The claimed feature of a remote unit (col. 2, lines 54-68; col. 8, lines 45-56) interacting with a respective TV set, such that the remote unit effects selection of at least one of audio & video information items from the plurality of information items stored in the audiovisual reproduction unit reads on the operation of the audio-visual computer system which enables the user to browse and select for recording programs over a CATV network, as well as browse and select for viewing, via a graphical user menu interface, programs previously recorded on one of the various storage means, (col. 9, lines 29-45; col. 12, lines 38-42; col. 15, lines 45-60; col. 21, lines 55-67).

Regarding the amended claimed feature of the audiovisual reproduction unit storing a plurality of audio & video information items in a computer memory, Takahashi discloses the benefits of storing video in a computing device's solid state memory, over a conventional video tape VTR, (col. 1, lines 18-54; col. 2, lines 25-45; col. 5, lines 55-65; col. 10, lines 31-36). Therefore it would have been obvious for one of ordinary skill in the art at the time the invention was made, to modify the audiovisual computer of Hickey, to include a means for storing video information in a computerized memory at least for the advantages of ease in access and organization of records and the enablement of compression (col. 7, lines 1-28) which increase the amount of information which can be stored, as taught by Takahashi.

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Even though Hickey does not specifically discuss a billing unit within the subscriber unit, such a feature was well known in the art at the time the invention was made. For instance, Hendricks discloses a CATV system wherein user purchase information is stored locally at the terminal device, at least for billing purpose, and accessed by the headend by polling the terminal device periodically, (col. 9, lines 28-33; col. 14, lines 44-60; col. 15, lines 1-2). It would have been obvious for one of ordinary skill in the art at the time the invention was made to modify Hickey with the disclosure of Hendricks, storing billing information on a subscriber's terminal device at least for the desirable benefit of a more accurately gathering each user's billing information. The claimed additional feature of the user communicating with the CATV network over a dedicated channel of a plurality of channels reads on the operation of Hendricks which teaches that the user chooses programs via an interactive menu system comprised of menu screens stored locally at the user's set top box and menu screens stored at the headend, (col. 10, lines 54-68; col. 12, lines 12-58; col. 13, lines 35-41).

Considering claim 14, the claimed feature of a controller coupled with the audiovisual reproduction unit and an interface means transmitting identification and control data corresponding to an activation of control buttons reads on Hickey, (col. 1, lines 5-15) and Hendricks (col. 11, lines 50-68).

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Considering claim 15, regarding the claimed feature of the audiovisual reproduction unit utilizing a multitask operating system., even though Hickey does not explicitly state such a feature, the disclosed operation of Hickey necessarily requires such a technology, see (Abstract; col. 4, lines 56-60; col. 6, lines 1-5; col. 8, lines 36-55; col. 9, lines 28-62). Furthermore, Hickey necessarily includes a video & audio controller communicating with the main processor and effecting audio or video reproduction of the instant information items. Hickey discloses an RF modulator and an input/output interface coupled with the main processor and effecting communication between the remote units of the respective TV sets and the audiovisual reproduction unit, (col. 8, lines 37-56; col. 9, lines 28-60).

Considering claim 16, Hickey discloses touch screen technology, (col. 6, lines 24-52).

Considering claim 17, the Hickey & Takahashi disclose standard computer memory, which may be changed by the user.

Considering claim 18, Hendricks discloses that billing information is stored in the user's terminal device and accessed by the network headend, (col. 9, lines 25-40; col. 10, lines 1-8; col. 23, lines 4-17).

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Considering claim 19, Hickey discloses that the user selects from various title selection lists, (Fig. 5; Fig. 6; col. 1, lines 5-15).

Considering claim 20, the claimed steps of a method for using a system for distributing and selecting audio & video information which corresponds with subject matter mentioned above in the rejection of claim 11, are likewise rejected. Regarding the additional limitations of an identifier being linked to a respective one of the TV sets, Hickey teaches an addressable user entertainment system, (col. 2, lines 41-68; col. 4, lines 55-65; col. 8, lines 37-55). Regarding the additional claimed feature of queuing a selection order of audio & video information items on the audiovisual reproduction unit, see Hickey (col. 7, lines 49-52; col. 8, lines 50-52).

Considering claim 21, Hickey discloses the use of a keyboard, (col. 8, lines 45-50).

Considering claim 22, see Hickey (col. 8, lines 42-45; col. 10, lines 5-15).

3. Claims 12-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hickey, Takahashi & Hendricks, further in view of Thompson (U.S. Pat # 5,236,199)

Considering claim 12, Hickey provides an integrated user entertainment system which enables interactive selection of programming from a CATV system as well as from various

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storage means within the instant entertainment system. Hickey does not disclose the usage of PABX technology within the entertainment system. Thompson discusses interacting with a TV system utilizing a public or private telephone network which reads on a PABX, (col. 2, lines 58-68). It would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the Hickey, with PABX technology for the desirable benefit providing the subscriber with an efficient well known interface means for the interacting with the CATV network, as taught by Thompson (col. 3, lines 1-34).

Regarding the additional claimed feature of interpreting DTMF tones as mouse events for affecting movements of the cursor on the screen, Hickey (col. 14, lines 59-68) and Thompson provide such a teaching (Abstract; col. 4, lines 13-45).

Considering claim 13, the system of Hickey is enabled to guide the user through the system by utilizing voice prompting technology, (col. 11, lines 20-35).



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***Response to Arguments***

4. Applicant's arguments with respect to claims 11-22 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

A) Kaloi            Solid State storage of video information

B) Peters           Storage of video on rewritable magnetic disc.

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**Any response to this action should be mailed to:**

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**or faxed to:**

(703) 308-6306, (for formal communications intended for entry)

**Or:**

(703) 308-6296 (for informal or draft communications, please label

"PROPOSED" or "DRAFT")

*Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Reuben M. Brown whose telephone number is (703) 305-2399. The examiner can normally be reached on Monday thru Friday from 830am to 430pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile, can be reached on (703) 305-4380. The fax phone number for this Group is (703) 308-6306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-4700.

  
ANDREW I. FAILE  
SUPERVISORY PATENT EXAMINER  
GROUP 2700